

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

2006 AUG 30 AM 10:54

CLERK *N. Santos*  
SO. DIST. OF GA.

ELBERT THOMAS,

Plaintiff,

vs.

CIVIL ACTION NO.: CV606-046

HUGH SMITH, Warden, and  
Dr. BURT,


Defendants.

**ORDER**

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court.

Plaintiff's claims against Hugh Smith are **DISMISSED**, pursuant to 28 U.S.C.A. §§ 1915 (e)(2)(B)(ii) and 1915A(b).

SO ORDERED, this 30<sup>th</sup> day of AUGUST, 2006.

  
WILLIAM T. MOORE, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA